N/S Weddel Avenue, 120 ft. W.

\* ZONING COMMISSIONER of Benson Avenue \* OF BALTIMORE COUNTY 1227 Weddel Avenue 13th Election District \* Case No. 92-409-A 1st Councilmanic District

Warren E. Downey, et ux Petitioners \* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.b. of the Comprehensive Manual Development Process (CMDP) to permit a side yard setback of 8 ft., in lieu of the required 30 ft., and to amend the latest approved Final Development Plan for 2nd Amended Final Development Plan of Whittemore Park, Lot No. 35, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

**AFFIDAVIT** 

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) in/are competent to

The reason we would like 40 add a garage

to our home is because we do not have

work space which is greatly needed we

would also like a place to store our

Warren E. Downey and Linda M. Downey

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

M. ZKerginia Chester

My Commission Expires: 3-1-96

vechiles due to the increasing car

a basement which limits storage and

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Ad

testify thereto in the event that a public hearing is acheduled in the future with regard thereto.

Variance at the above address: (indicate hardship or practice) difficulty

thefts in the area

1 HERREY CERTIFY, this 26 day of April
of Maryland, in and for the County aforesaid, personally appeared

AS WITNESS my hand and Notarial Seal.

April 26, 1992

IN SUPPORT OF ADMINISTRATIVE VARIANCE

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

for the reasons given above, the requested variance should be granted.

County this day of May, 1992 that the Petition for a Zoning (B.C.Z.R.) and V.B.5.b. of the Comprehensive Manual Development Process ft., and to amend the latest approved Final Development Plan for 2nd Amendwith Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, howev-

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

2. The Petitioners shall not allow or cause the

Zoning Commissioner

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and

THEREFORE, IT, IS ORDERED by the Zoning Commissioner for Baltimore Variance from Section 504 of the Baltimore County Zoning Regulations (CMDP) to permit a side yard setback of 8 ft., in lieu of the required 30 ed Final Development Plan of Whittemore Park, Lot No. 35, in accordance er. to the following restrictions which are conditions precedent to the relief granted herein:

condition.

accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

for Baltimore County

KEEP IN ZONING FILE. 489-A ZONING DESCRIPTION.

BEGINNING AT A POINT ON THE NORTH SIDE OF WEPDEL AVE. (A 50 FT. RIGHT OF WAY) AT A DISTANCE OF 120 FT WEST OF BENSON AVE. (A 60 FT. RIGHT OF WAY) BEING KNOWN AS LOT# 35 AS RECORDED IN PLAT BOOK # 52 FOLIO 100 IN THE SUBDIVISION OF WHITTEMORE PARK. ALSO KNOWN AS # 1227 WEDDEL AVE. IN THE 13 TH ELECTION DISTRICT.

> I caccept responsehely for the accuracy of this information as PRINT WARREN E. DOWNE,

County Office Building
111 West Chesapeake Avenue

Suite 113 Courthouse

10wson, MD 21204

400 Washington Avenue

Mr. and Mrs. Warren E. Downey

Case No. 92-409-A

accordance with the attached Order.

contact our Appeals Clerk at 887-3391.

RE: Petition for Residential Zoning Variance

Baltimore, Maryland 21227

Dear Mr. and Mrs. Downey:

1227 Weddel Avenue

LES:mmn

Account: R-001-6150

(410) 887 4386

PAID PER HAND-WRITTEN RECEIPT DATED 4/28/92

H920**0449** PRICE PUBLIC HEARING FEES \$50,00 010 -ZONING VARIANCE (IRL) \$35.00 080 -POSTING SIGNS / ADVERTISING 1 X

Baltimore County Community Zoning Commissioners Office of Planning and Fraging

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

additional information concerning filing an appeal, please feel free to

In the event the decision rendered is unfavorable to any party, please

case. The Petition for Residential Variances has been granted, in

date of the Order to the County Board of Appeals. If you require

May 28, 1992

Zoning Commissioner

TOTAL: \$85.00 LAST NAME OF OWNER: DOWNEY

Please Make Checks Payable To: Baltimore County

nu 13			<del></del>	Date of 1	Peoling	5/2/90	2
Posted for:	Residen	tiel Vari	ance			/	
Production W	arun E.	r Linda	m	Downey			
Petitionar: Location of preparty:	NB 1	1) edged Am	<u>ا</u>	ao'h	) A	Benson f	ايد
Nocestian or hadrend.	1227 6	Deadel F	سعرا				
Location of Signs	in 3)	ant s	1227	W es	del		
COCATION OF SHIPME							
						,	
Posted by		u polio	·			5/8/92	
Posted by !	Culti-1	a qua		e ce ceres	E	Lef-84-23	
Number of Signe:							

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-409-A

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 504 (SCIR) and V.B.S.b. (GM > p) TO PERMIT A SIDE YARD O'T 81 TOSTEAD OF THE REQUIRED 30' AND to AMEND the LATEST APPROVED FINAL

DEVELOPMENT PLAN FOR ZAND A MENDED FING DEVELOPMENT PLON OF W: MITEMORE POWER

E Zoning Regulations of Beltimore County for the following mended Final Development Plan of W: MITEMORE POWER

E Zoning Regulations of Beltimore County for the following THE REASON WE WOULD LIKE to 100 A GARAGE to OUR HOME IS BECAUSE WE. DO NOT HAVE ABASEMENT which limits Storage AND WORK SPACE which is greatly NEEDED. WE Would Also LIKE A PLACE to Store our VEHICLES, Due to the increasing CAR thefts
IN the AREA.
Property to be admitted and/or justed to proceed by Zonton Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning reg Baltimore County.

Legal Owner(s):  WARREN F DOWNEY  (type or print name)						
WARREN F DOWNEY	· · · · · · · · · · · · · · · · · · ·					
- A LIWIT Y						
Wanen E. Drien						
LINDA M DOLLAGA						
(type or print name)						
1227 Wedde L Ave. 247-5328 (To	DD,					
Boltimore MD. 21227						
City State Zip Code  Name, address and phone number of owner, contrast purchaser or  representative to be contested.						
Rethr						
address phone						
D/OR FOUND TO BE REQUIRED, IT IS ORDERED						
Zoning Law of Baltimage Country in treasurement and committee and the Land	-					
c	address phone  D/OR FOUND TO BE REQUIRED, IT IS ORDERED  day of, 19, that the subject matter of this petition					

**Baltimore County Government** Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

1227 Weddel Avenue

Baltimore, MD 21227

A PUBLIC HEARING HAVING I

by the Zoning Commissioner Of B be set in for a public hearing, adver

May 19, 1992

RE: Item No. 449, Case No. 92-409-A Petitioner: Warren E. Downey, et ux

Petition for Administrative Variance

Dear Mr. & Mrs. Downey:

Mr. & Mrs. Warren E. Downey

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

92-409 A

e Chive community



111 West Chesapeake Avenue Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 28th day of April 1992.

ARNOLD JABLON
DIRECTOR

Keceived pi.

Chairman,
Zoning Plans Advisory Committee

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

EMORANDUM

O: Arnold Jablon, Director - Zoning Administration & Development
Management

I: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

May 5, 1992

BJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - May 4, 1992

The Office of Planning and Zoning has no comments on the following petitions:

George Raduano - Merritt Blvd.
Huntington Development Corp. - Hunting Tweed Drive
Waldon J. Stevanus - 8524 Volmert Avenue
Rita L. Ruff - Elm Road
Eric Van Den Beemt - Monkton Road
Warren E. Downey - Weddel Avenue

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

5\_4\_92.txt Petitns.txt

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500 MAY 8, 1992

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WARREN E. DOWNEY AND LINDA M. DOWNEY

ation: #1227 WEDDEL AVENUE

Location: #1227 WE Item No.: 441 \* (JLL)

Zoning Agenda: MAY 4, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER:

Planning Group

Planning Group

Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for May 11, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following properties:

Scripps Howard Broadcasting Company 6400 York Road

Huntington Development Corporation 3216 Hunting Tweed Drive

Waldon J. Stevanus & Margaret O. Stevanus 8524 Vollmert Avenue

Rita L. Ruff 1307 Elma Road

Jeffrey W. Sheldon & Charles H. Sheldon 211 Nicodemus Road

Eric vanden Beemt & Patricia vanden Beemt 16616 Remare Road

Wm R. Sturgeon & Carol L. Sturgeon

Warren E. Downey & Linda M. Downey 449
1227 Weddel Avenue

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:DAK:s

Department of Recreation and Parks

Development Review Committee Response form

Authorized signature

Date 5/4/92 Project Name File Number Waiver Number Zoning Issue Meeting Date 1500 Glencoe Road - Oldfields School, Inc. CR-92-399-XA C STP DEPRM RP (To EIRD) STP DEPRM RP (To EIRD) COUNT George Raduano And Elizabeth Raduano 5-4-92 N. Commits DED DEPRM RP STP TE #440 Scripps Howard Broadcasting Company DED DEPRM RP STP TE # 441 ED DEPRM RP STP TE # 441 No Community Huntington Development Corporation (Hunting Tweed Drive) DED DEPRM RP STP TE #442 Waldon J. And Margaret O. Stevanus DED DEPRM RP STP TE #443 ED DEPRM RP STP TE 7749 Rita L. Ruff DED DEPRM RP STP TE DED DEPRM RP STP TE Jeffery W. And Charles H. Sheldon DED DEPRM RP STP TE #445 ED DEPRM RP STP TE #17 Eric and Patricia vanden Beemt DED DEPRM RP STP TE -----William R. And Carol L. Sturgeon Larry R. And Dianna L. Long **\***448 DEPRM RP STP TE #444 DED DEPRM RP STP TE Warren E. And Linda M. Downey

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS

BALTIMORE COUNTY, MARYLAND

Mr. Arnold Jablon, Director

and Development Management

There are no comments for this site.

Rahee J. Famili

Z.A.C. MEETING DATE: May 4, 1992

LEGAL OWNER: W. E. Downey 449

SUBJECT: Z.A.C. Comments

RJF/dm

Office of Zoning Administration

DATE: May 7, 1992

The teent of Environmental Protection & Resource Management Development Review Committee Response Form Authorized signature Date 5-11-92 Project Name File Number DED DEPRM RP STP TE Jeffery W. And Charles H. Sheldon DED DEPRM RP STP TE Eric and Patricia vanden Beemt DED DEPRM RP STP TE William R. And Carol L. Sturgeon DED DEPRM RP STP TE in process Larry R. And Dianna L. Long DED DEPRM RP STP TE #448 Warren E. And Linda M. Downey DED DEPRM RP STP TE COUNT 10 FINAL TOTALS

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

April 30, 1992

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

COUNT 29

\*\*\* END OF REPORT \*\*\*

Warren E. and Linda M. Downey

Baltimore, Maryland 21227

Re: CASE NUMBER: 92-409-A

LOCATION: N/S Weddel Avenue, 120° W of Benson Avenue

1227 Weddel Avenue

13th Election District - 1st Councilmenic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 11, 1992. The closing date is May 26, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, demind, or will go to public hearing.

2) In cases requiring public bearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the bearing will appear in two local nesupepers. Charges related to the reposting and advertising are psychle by the pstitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt

Zoning Commissioner, Baltimore County

Province on Recovered Pa

Koep mi File

Mr. Donney requested to be allowed to file with out scaled set plans. Actually they don't look bad and the property, line on question to clearly marked on the accompanying shotos. No window to Auprosed on the well. Mr Downey is handicapped (dept) and I felt that since he signed responsibility form (in this file) that his request was not totally inappropriate in light of our communication difficulties.

92-409A

KEEP IN CONTRO- FILE

PARTICIPAL REQUEST TO FILE WITHOUT SCALED PLANS, I the undersigned accept full responsibility for requiring to be allowed to file without scaled site plans as required in the Batte Co Conera Bequitations. I understand that such Waver E. Down NAME. Son DATE. April 28, 1992 WARREN E. DOWNEY PRINT

This Deed, MADE THIS 1956. by and between in the year one thousand nine hundred and eighty-eight INTERSTATE VENTURES, INC., a body corporate of the State of Maryland, Grantor, party of the first part, and C RC/F 15. C T TX 316... C DOCS 442. DEED SH CLERK 774. #78323 COO1 ROZ T1 of the second part. WITNESSETH, That in consideration of the sum of EIGHTY-EIGHT THOUSAND THREE HUNDRED TWENTY-EIGHT AND 00/100 DOLLARS (\$88,328.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, RECEIVED FOR TRANSFER the said party of the first part State Department of Assessments & Taxation for Bertimore County grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives successive and assigns for ever in the State of Maryland, and described as follows, that is to say: FOR DESCRIPTION OF PROPERTY PLEASE SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF. BEING part of the property which by Deed dated December 28, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. 6842, Folio 39 was granted and conveyed by Mabel T. Leitzer and Ethel T. Elgert, Surviving Directors of The Whittemore Realty Company, unto Interstate Ventures, Inc., the herein Grantor. Grantor reserves an easement for construction of necessary drainage and utilities of 7.5 feet along both the side lot lines and 15 feet along the front and rear lot lines of the subject property. Grantor also reserves a temporary grading easement over the subject property so as to allow Grantor to comply with the appropriate Baltimore City and Baltimore County approved grading plan, said easement to cease when the appropriate governmental authority accepts the final grading for the subject property. This conveyance is not part of a transaction in which there is a sale, lease texchange or other transfer of the substantially all of the property and assets of the said corporation.

WE Warren E. Downey and Lindal Lower Grantees in the within Deed hereby certify under the penalties of perjury that the land conveyed in said Deed is residentially improved owner-occupied real property and that the residence will be occupied by us.

Warren E. Downey - Grantes 331\*\*\*\* 141325: a 525.4 Downey - Grantes

TOGETHER with the build. thereupon, and the rights, alle, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining. TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives/sourcescove and assigns forever , in fee simple. such further assurances of the same as may be requisite. WITNESS the name and corporate seal of said body corporate and the signature of Simon Rosenberg President thereof. INTERSTATE VENTURES, INC. Simon Rosenberg STATE OF Maryland Country or Haward, to wit: I Hereer Certify, That on this 19th day of September before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Simon Rosenberg who acknowledged himself to be the President of INTERSTATE VENTURES. INC. a corporation, and that he as such President being authorized so to do, executed the aforegoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by him self as such President IN WITNESS WHEREOF, I hereunto set my hand and official seal. My Commission expires: July 1, 1990

restige Title.

...R7 981 MASS 75

EXHIBIT A

"Resubdivision of a Portion of Whittemore Park", which Plat is recorded among the Land Records of Baltimore County in Plat Book

BEING KNOWN AND DESIGNATED as Lot No. 35 as shown on Plat entitled

52, Folio 100. The improvements thereon being known as 1227 Weddel

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1227 Weddel Avenue see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Whittemare Park 1226 VIOLETT AVE.

Plat book #52 , follow 35 , sections Richard 1 1225 WEDDELL , 1227 House LOCATION INFORMATION JIN HOON JUNG /1 GARAGE 8456/122 to 728 4 WEDDEL AVENUE TO AZOLATO BENSONA |-WHITTEMORE Zoning Office USE ONLY! Scale of Drawing: 1 291 date:\_\_\_\_\_ prepared by:\_



